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FROM

Edward J. Phelps.

3 Jan. 1890.

~~Pine's 275~~

INTERNATIONAL RELATIONS

ADDRESS

BEFORE THE

PHI BETA KAPPA SOCIETY

OF

HARVARD UNIVERSITY

June 29, 1889

BY

E. J. PHELPS

INTERNATIONAL RELATIONS

511-40

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OF

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June 29, 1889

Edward John BY

E. J. PHELPS

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The Author

I shall have the honour to ask your attention this morning, without preface or exordium, to some thoughts upon the subject of international relations. What I have to say must be both general and discursive, but I hope may not be found altogether without the interest that arises from practical application.

The branch of jurisprudence upon which the rights and intercourse that exist between civilized nations are based, has been commonly called international law. I do not think a less accurate phrase has often gained acceptance among instructed minds. In this subject, as in so many others, inexact language is both the cause and the result of inexact ideas. The word law, employed in any juridical sense, implies two indispensable elements—a supreme authority by which its obligation is prescribed, and a paramount force by which obedience is exacted. A system of proposed human conduct that lacks either of these conditions may be just and desirable, but it cannot reach the dignity of law. It may appeal, as the precepts of morality do, to conscience, to reason and to policy, but it must remain only persuasive in its requirements, and voluntary in its obligation. Such are the rules that regulate the intercourse of nations.

It does not appear to me, therefore, that the world is much indebted to Jeremy Bentham (if it is particularly indebted to him for anything) for the invention of the term “international law.” The older title, “law of nations,” if it has a different meaning at all, as has sometimes been claimed, acquires it by being less accurate still.

The term "international morality," which some writers have suggested, seems equally inadequate, because it expresses only the source instead of the comprehension of the system it attempts to define. I venture to suggest the term "international usage," not as beyond criticism, but as more nearly descriptive than any other I am able to propose, for this youngest and most rapidly developing chapter in the science of jurisprudence. But whatever the name, perhaps you will pardon a few introductory words in respect to the foundation upon which the fabric rests, and the nature of the superstructure that has been raised upon it.

Much speculation has been lavished upon the subject of the true origin and sanction of international obligation, by many and celebrated writers, from Grotius down to the present time. Each has constructed his own theory, and has criticised with more or less success those who have gone before. It would be neither possible nor interesting to attempt to review them here, or to point out how many are the distinctions that have been laboriously constructed out of how few real differences. They seem to arise in great part from efforts at an artificial division of an inseparable whole; from a widely variant understanding of the meaning of unnecessary terms; and from a confusion, which is often the bane of juridical writing, between the statement of a conclusion, and the history of the process out of which it has come to pass. The outcome of all the speculations on the subject, by all writers whose views are worthy of attention, may, I think, be fairly and clearly stated in a very few words.

What has been called "international law" obtains its authority from the general assent, gradually acquired, of civilized mankind. It consists first, in the application to the intercourse of nations, of those principles of natural justice and morality which are inherent in the human conscience; and next, in a body of rules and customs, more or less conventional and arbitrary, designed to give effect to those principles, which have grown up under the guidance of expe-

rience until they have come to be regarded as established, and which are adopted and enforced, when they affect jural rights, by enlightened courts of justice. The system divides itself, therefore, as all bodies of law must which obtain supremacy among a free and intelligent people, into principles and rules. Principles that are unchangeable and of perpetual duration ; rules that are subject to constant modification and improvement for convenience sake, as the changeful exigencies of society and business demand. Principles which are accepted as law because they are right ; rules which are accepted as right because they have come to be law.

Perhaps I should excuse myself for pausing on the way to the more practical suggestions I desire to make, to expend any words at all upon abstract propositions that do not seem to need to be supported by argument. But it is worthy of remark in passing, that only a few months ago, the Earl of Lytton, a gentleman of much literary as well as inherited distinction, and now Ambassador from Great Britain to France, in an address delivered upon his inauguration as Chancellor of the University of Glasgow, announced, somewhat I think to the surprise of his audience, a very different theory of international conduct from that which I have stated, and brought to its support the subtlety of reasoning, the grace of style, and the fertility of illustration so easily at his command. The proposition of Lord Lytton is that the principles of morality have no control in the intercourse of nations : that Governments are neither capable of nor amenable to ethical rules, and are to be guided only by considerations of expediency, and that obligations based upon the natural rights of man (which he seems to reject altogether as a foundation of law) have no place in determining the rules of international action. He attempts to find support for this theory in the conduct of States, exhibited in so many instances in history, where right has been sacrificed to policy ; in the assertions that a Government is an entity not capable of the practice or sentiment of morality ; that the rightfulness of war cannot be controverted, and

that war is not reconcilable with morality ; and that law is the result of positive authority, rather than of absolute right.

These propositions appear to me to be not only erroneous in theory, but destructive to the peace of the world, if they should be generally adopted. They result in the very state of things it is the object of all law to prevent—the supremacy of physical strength, and the doctrine that might makes right. It seems impossible that they should ever be established in the only way international rules can be—by the general assent of enlightened nations. Human society began in the right of the strongest. All the advancement it has ever made, all that Christianity or civilization has done for it, have been in the opposite direction. The whole fabric of international relations has grown up from that barbarous time when the foreigner cast upon the shore became a slave, and his property plunder, when prisoners of war were put to death or sold into slavery, and when piracy was held to be meritorious, by the gradual assertion of the principles of moral justice, not only as the highest duty, but as the plainest and most necessary policy of nations. Is it not rather late in the history of the world to propose to return in the dealings of one country with another, to the predominance of the strongest, dictated by self-interest, and exempt from the control of national conscience ?

That history discloses in the conduct of nations much disregard of justice, is true enough, but that does not diminish its obligation. As well might it be argued against the enforcement of the criminal law, that crime has always been common. It is not the innocence of mankind from which that law has derived its origin, but the wrong it seeks to prevent. It is in the steady diminution of indefensible national conduct which has marked the progress of better principles, that their best sanction is found. It is true also that States are not men, and are not, therefore, subject to all the moral duties that attach to personal life ; but as aggregates of men they are not the less moral persons, and amenable to all the ethical

principles which bear upon national conduct. The requirements of morality are limited, with governments as with individuals, by the relations in which they happen to stand, and the duties of which they are thereby made capable. That war is sometimes justifiable and even necessary, cannot be denied, but in a proper case it is perfectly consistent with the principles of justice, and the requirements of sound morality. A government must take into its own hands not only self defence but self assertion, the redress as well as the prevention of injuries, because there is not as in the case of the citizen, a higher or common authority to appeal to. Morality would justify the same course by the individual, if society was unable to provide a legal remedy for the invasion of civil rights. It is only because such redress exists and is maintained for the preservation of the public peace, that a man is precluded from regaining by force the property which has been wrongfully taken from him, abating by the strong hand the intolerable nuisance, and enforcing in like manner the fulfillment of just contracts, and the protection of proper relations.

In short, the difference between the moral rights and duties of nations, and those of individuals, is only in degree and not in kind. It may be declared as the fundamental principle in all law that finds assent and support among the race to which we belong, that it is based upon and exists for the principal purpose of applying the acknowledged principles of moral justice, so far as through general rules and established methods of procedure they can be made practically effectual, to the course of personal and national conduct. It is upon this foundation alone that what has the force of law can rest. And no man ever yet obtained a clear idea of it, who attempted to deduce its sanction from the maze of metaphysical speculation, or who failed to comprehend that law among a free people must have something else to stand upon besides positive authority, and must be inspired by a controlling and animating spirit, that has sway over the reason and the conscience of men.

The days of arbitrary power in state, in church, or in rulers, have passed away, so far as we are concerned, to be seen no more.

The rules of international usage form no exception to this proposition. They have derived their greatest assistance from those countries where the free common law prevails. They have constantly approached in their growth and development the precepts of sound morality. Conceptions of natural justice have themselves been greatly advanced, and international justice has nearly kept pace with them. Almost the single conspicuous blot now left on the pages of international usage, is found in the rule that subjects private property at sea, not contraband, to capture by an enemy in time of war. That remains an anomaly inconsistent with modern principles. It was the object of the Declaration of Paris to put an end to it. And though that attempt failed to obtain the full concurrence of maritime nations, its success was only postponed, not lost. Enlightened public sentiment must ultimately insure it. It is much to be regretted that the failure of the proposal was owing to the refusal of our own Government to assent to it.

But it is less with abstract principles that I care to deal to-day, than with that immediate view of the subject of international relations which belongs to our own country, and our own time. During almost all the first century of the independent history of America, these relations have been of only occasional and limited importance. Far remote from the theatre of European diplomacy, with no invasion to fear, no balance of power to consider, no monarchical intrigues to be drawn into, and few foreign interests to protect, it has been at rare intervals that we have had much to do with other countries, except for the interchange of courtesies, the promotion of trade, or the gratification of curiosity. We have had nothing to fear and little to gain from them, and our country has become the unlimited asylum for the overflow of their

people, to such an extent that [we are in danger of losing our own nationality.

But those halcyon days of international independence have now gone by. A great change has come over the face of the world, and over our own situation. We have joined the Atlantic to the Pacific. Our population, our industries, our interests, our intercourse with the outside world have enormously increased. Steam power, the telegraph, invention, competition and the restless enterprise of the age have brought foreign countries to our door, and have carried us to theirs. Our people with tireless and irrepressible footstep overspread the world, and create everywhere new relations, new engagements and new enterprises. Within a very short time we have been drawn into the discussion of grave and important questions, involving considerable and fast-growing interests; with Great Britain, touching the fisheries of Canada, the seal catching of the Behring Sea, the vague and undetermined boundaries of Alaska; with Germany, concerning the Samoan Islands; with France and Central America, about the Panama Canals; with South American Governments, with Mexico, with Hayti, with China; and we have become charged with the protection of our citizens and their property in all known countries of the earth. Questions of this sort are usually difficult and delicate. To know precisely what our rights are is not always easy; to maintain them successfully is often harder. I allude to them only to illustrate my remark as to the growing importance of the subject.

It must be plain to the thoughtful observer, that henceforth the variety, the intricacy, the magnitude of our foreign affairs, already considerable, must continually increase. To understand and administer them correctly, to protect the rights involved, to keep the national honor untarnished, and at the same time to avoid the embarrassment and injury of strained and interrupted relations, and the calamities of actual war, which like disease and death come usually when least expected, and may arise out of small immediate

causes when the way has been prepared by mutual irritation and misunderstanding—this is to be in the future one of the largest, perhaps the very largest of the functions of American Government.

The time has come when, as it appears to me, we need to have established a distinctive, definite, wise, firm, and above all a consistent American policy in international concerns. Not one that is taken up and laid down haphazard, or that shifts and veers about with the exigencies of politics, the changes of party, or the competence or incompetence of temporary officials. Changing hands so often as our government does, we can have nothing worthy the name of a foreign policy, nothing that will either be respected abroad or effectual for its purpose, unless by the establishment of principles, of traditions, of modes of procedure, such as shall stand the test of experience and the criticism of mankind, and that shall pass on unimpaired from administration to administration, from party to party, the common property of all, the inheritance of each from its predecessor. The changes of party do not affect the construction of the Constitution. That goes on irrespective of politics, uniform, consistent, permanent. It underlies all questions of government, a common and unchangeable foundation.

Such a policy, as I think wise and thoughtful men will agree, should have for its basis the opposite of the theory set forth by Lord Lytton. It should be founded in the highest morality and justice. It should prefer the right to the expedient, or rather should find in the right what is always in the end the expedient. It should be neither aggressive nor offensive, nor hasty, but fair towards others, as well as just towards ourselves, invading no right that we would not ourselves surrender, establishing no precedent that we might afterwards wish to evade. It should be the policy, so far as consistent with the national honour, of peace, of conciliation, dignity and forbearance, free from the cheap braggadocio by which the applause of the mob is sometimes purchased, setting up no claims that we are not prepared to maintain, making no demand

that we do not expect to insist upon. It is the great and powerful nation that can best afford to be just, and more than just, to be generous. But on the other hand, upon the line thus deliberately adopted, the stand should be absolutely firm and unyielding. Caution in taking up a position is the best preparation for firmness in holding it. Any policy is better than a cowardly, a shifting, or a retreating one. Details, incidentals, disputed facts or figures, conflicting business interests, doubtful questions, these are the proper subjects of a compromise and of mutual concession. But a principle, a point of honour, the just and clear right of a citizen, once asserted, should never be surrendered or receded from.

It is idle to expect that a foreign policy of this kind, elevated, just, consistent and resolute, can be maintained by our country, unless the subject can be withdrawn from the field of party politics. No government can successfully carry forward any international relations at all in matters of consequence, without the general support of the public sentiment of its own people. The house that appears to be divided against itself will command no respect. The ground that is taken by one administration will be repudiated by the next. Foreign governments will find in case of dispute, their strongest ally in the opposition that ours has to contend with, and will speculate, in dealing with us, upon the changes of party that may present to them an entirely different front. And aside from the effect of such partisan warfare abroad, the Executive cannot obtain at home that concurrence and assistance from co-ordinate departments, that are necessary in order that any measures in the matter of foreign affairs should be effectual.

We have seen not long ago an important treaty with a great nation, dealing with valuable interests and critical questions, and involving no political element at all, supported on one side and opposed on the other upon strict party lines, and passed upon in the United States Senate by a strict party vote. To its merits or demerits I do not allude. I do not assert either that it should

have been ratified or that it should have been rejected. That question is foreign to my argument, and altogether inappropriate here. Nor do I deny that a difference of opinion in respect to it might fairly have existed. But if that difference arose out of the merits of the subject, how could it have so disclosed itself that no member of the one party was found to approve, and no member of the other to condemn? It is that spectacle, and not the particular result, which is so damaging to us abroad.

I cannot allude here to other instances, not a few, where our relations with other nations have been embarrassed and hazarded by partisan interference at home, without seeming to introduce topics that I wish to avoid. If such a course becomes established, no government of either party can maintain or carry out any just or desirable foreign policy whatever, unless its majorities are so overwhelming as to render opposition impossible. That the contests of party must continue, is inevitable. They are the curse of free government, but are a part of the price of it. There is nothing in this world without alloy. Even the countenance of liberty is sad at the sight of what is done in her name. But there is field enough for this warfare in our domestic concerns. There is room enough and to spare for the politician, in the differences of opinion that are unavoidable upon public questions, and in the strife that is so easily stirred up among candidates. In questions between other nations and our own, in measures that involve not the success of a party, but the interests and honour of the whole country, we should present the same united front in the controversies of peace as in those of war, and give a generous support to the administration, of whatever politics, that is charged for the time being with the support of the common cause.

When a nation is involved in war, the question for the citizen is not whether the war might have been avoided, or whether it is being prosecuted to the best advantage, nor whether the administration of the day is of his own political faith, but on which side of the con-

flict he proposes to be found. He would be justly branded as a traitor, who desired to paralyze the efforts of his government, in order that in the ruin of his country's cause might be found the success of his party. It should not need the existence of hostilities to enlist the citizen in the just support of an Executive, dealing with foreign countries in respect to international affairs.

It is one of the most striking features of public life in Great Britain, that however earnest and bitter may be the warfare of parties, all sides yield to the government of the time a steadfast support in the management of foreign relations, as well in peace as in war. They offer to other countries no divided front. The opposition may criticise and condemn the policy of their political adversaries, but as against the other country, until they can overthrow them, they sustain them in all their measures, and place in their hands all necessary resources. It is this which has made England so strong in diplomacy as well as in arms. No foreign government is allowed to speculate upon the embarrassment of British power by foes in its own household.

I am far from maintaining that all measures of a government toward other nations should receive a blind and unreasoning approval, or that they should cease to be the proper subject of criticism, and attempted improvement. I do not say that an administration may not be overthrown for the very defects and failures of its foreign policy, its incompetence, its neglect, its blunders. That might well occur in the conduct of a war, and yet every citizen be bound to support, as against the enemy, the very operations he disapproves. All I contend for is, that questions relating to external affairs should be judged on their own merits, and not upon party grounds; that a government should be sustained abroad until a better one can be put in its place; and that it should be sustained in this particular at home, till it is found to be in the wrong. We cannot afford to obtain party advantages at the expense of just foreign relations.

But for the maintenance of a more effectual foreign policy, it is not enough that it should be just and well considered, and that we should be united in support of it at home. We must likewise be known to be strong enough to enforce it. Nothing is more mistaken than the idea that we are always to hold our own among the nations of the earth, while human nature remains what it is, by the mere force of argument. That discussions of disputed questions should be able and skilful, that the resources of reason, the ties of friendship, the offices of courtesy and the suggestions of mutual interest should be made the most of, and may often be sufficiently effective, is not to be questioned. But it is also true that they must sometimes fail if there is no other force behind them. It does not detract from the effect of an argument, that he who makes it is in a situation to command attention as well as to invite it. Mere attorneyship was never yet a decisive power in international affairs. The nation which is only the petitioner for justice, with nothing to depend upon but logic and rhetoric, friendship and sentiment, may fare well enough in small matters, but will be likely to go to the wall in great ones. It is not only humiliating but disastrous, when the State that marches up the hill, has nothing for it but to march down again amid the derision of the world.

It is true, as has been observed, that all nations profess to be guided by the principles of justice, and that what they accept as international law has these principles for its foundation. No government admits any other rule of action, but they differ widely under the stimulus of self interest and the pressure of popular feeling, as to the application of it. Most people profess to be and mean to be law abiding, yet without courts of justice society could not go on. And of what avail would be courts of justice without a sheriff to execute their decrees if resisted? What makes law a controlling force in civilized society is not so much the justice of its conclusions, as the consciousness that the power of government stands behind them.

It is the nation which however conciliatory and easy to be entreated, and however adverse to hostilities, is felt, nevertheless, to hold in reserve an ultimate power it is not safe to provoke, which commands respect. The force of argument is immensely strengthened when it is sustained by a background of artillery. That country is most likely to enjoy the blessings of peace, which is in a condition to be most formidable in war. National strength means strength in the right quarter and the right way. It does not consist in power where it is not wanted. The science of war is said to depend upon bringing to bear a predominant force at the vital point, at the critical time. Of the invincible power of our country upon its own soil there can be no question. We have shown that we can gather a great army as rapidly as the snow comes on the wings of the winter wind, and disperse it again like the melting of the same snow in the spring. At home we may safely defy the world in arms, but by land we shall never be attacked. If we are ever so unfortunate as to be involved in war with any country great enough to go by the sea, the issue must be determined upon the sea and not upon the shore. In this view what is our situation? Every sea port we have is absolutely at the mercy of any maritime nation in the world. We have no naval force that can cope with that of any such nation, or that could stand up at all before the great war ships and powerful artillery of the present time. We have no fortifications whatever, nor a single modern gun in position upon our coast, that would be effectual in defence against such an attack. Were we to assemble a million of men to defend New York or Boston against it, they would be powerless, and only available for slaughter. These are humiliating facts, not adapted to festive occasions, but they should be looked in the face. All the world knows them, and takes them into account. It is only against countries that have no navy, that we are capable even of self-defence. When the point of controversy is in some other part of the world than ours, we are unable to place there any force that could successfully encounter that of a sea-going

nation. For the protection of any distant interest, or the immediate redress of any injury or outrage, we are powerless. In short, we are the only nation pretending to be of the first class, that is incapable either of offence or defence, except that sort of defence that will never be challenged or called into play.

There is still another view in which a naval force is a very important factor in foreign relations, beside, the strict requirements of offence and defence. There is a phrase that figures largely in the wake of a war, and when terms of peace have to be patched up—the "*statu quo ante bellum*." That is a condition often as important in the outset of a controversy as at the end of it. It may be prospective as well as retrospective. The presence of a competent force at the right point at the right moment, sometimes prevents transactions that prove most troublesome after they have occurred. It serves to keep the peace, that once broken is hard to mend. It is the prevention that is better than cure. Possession is said to be nine points of the law. That is as true between nations as between individuals. A wrong may be quickly set right on the spot, in a way that is likely to be acquiesced in; and very material advantage in subsequent discussion may result from a proper adjustment of the *statu quo* beforehand. More than once in recent times, prolonged and heated discussion could have been avoided by our own Government, if it had possessed a force which quietly and seasonably interposed, would have prevented wrongs, for which, once committed, it is not easy to obtain peaceable redress. And that is especially true in a case where diplomatic relations are with one country, and actual transactions, with a dependency over which it has little control.

It may be thought that I am diverging from the subject I have been dealing with, when I enter upon these considerations. But no remark I have made is more germane to my topic. Naval strength has become at this day the right arm of diplomacy, and the most important element in large and critical foreign relations. Moral

power is an excellent thing. It is best to be right, and in the long run it is necessary to be right, however powerful a nation may be. But there are times when it is of small avail to be right, if we are likewise impotent. A right arm without brains or conscience is never a desirable force, but brains and conscience without a right arm are not always an effectual one. I would propose, therefore, as one of the first steps toward such an international attitude as it seems to me our country should assume, and having assumed maintain, that a naval force should be created that should leave us nothing to fear from collision with any other naval power in the world. For this no country has such facilities. An overflowing treasury, a sea coast extensive enough to afford shipyards for the world, inventive and mechanical genius and industry unsurpassed, a highly educated and well selected body of naval officers, a people to whom seafaring is the gift of nature more than to any other people except those of their own race. Better to expend the whole surplus in the treasury, which is demoralizing the country and debauching its politics; better to create a shipyard in every port, and to employ thousands of men in building ships and thousands more in sailing them, until our ancient prestige on the ocean is restored, than to remain in the condition where our only means of asserting disputed rights, or defending ourselves against attack, is the soft answer that turneth away wrath.

Of course it is easy enough to misunderstand these suggestions. Nothing in the world is easier than to misunderstand, except to misrepresent. The one is natural to the dull man, the other is the most convenient weapon of the dishonest one. It is easy to say that a proposal to put a nation in a condition for self-defence, is to advocate a career of war and bloodshed and aggression. But saying so does not make it so. That man is a fool, if there be such a man at the present day, who does not know that war is the greatest of calamities and sorrows, and the most destructive to all the best interests of humanity. To avoid the possibility of war is the first

object of all foreign intercourse. To cultivate with other nations the free commerce, the amenities and the courtesies that are the fruits of peace, is the second. The views of mankind have undergone a vast change within the last century, on the subject of war. It is no longer the game of kings, or of statesmen, or of ambitious soldiers. It is universally deprecated and dreaded among all civilized men.

With the present intercourse among nations, a mere paper war of three months' duration, between two great powers, even if not a shot should be ultimately fired, would work an incalculable injury in the interruption of business and travel, the derangement of finance, the disturbance of relations, the enormous expense of preparation, and the general alarm and excitement. War is therefore more and more to be feared, and will be more and more anxiously avoided. And yet it can never cease from off the earth. It will still and always remain the last resort of nations, and the last resort must sometimes be appealed to. The vast armaments still kept up by all the great European countries show the general consciousness of this. They are maintained, not for the purpose of making war, but of avoiding it. It is an armed neutrality that now pervades Europe.

There are humanitarians of excellent motives, who seem to believe that war can be put an end to forever, by the universal agreement of mankind to substitute arbitration in its stead. Theirs is a harmless effort, but not a promising one. Arbitration is one of the most plausible words in the English language. But it means one thing to those who have had much to do with it, and quite another to those who have not. The former usually ascertain that it signifies the trial and determination of controversies by those who have no acquaintance with that difficult business. Great as are the evils of litigation, arbitration has never had any perceptible effect in reducing it. Men are generally more ready to prescribe it for others than to accept it themselves. Nevertheless, imperfect remedy as it is, it will continue to be sometimes employed in a certain class of

international questions, especially the adjustment of money claims, public and private. In such cases almost any disposition that is honourable is better than a continuance of the dispute. But the idea that it can ever be made the ultimate resort of nations in those more important quarrels that involve questions of principle or of honour, or that have stirred the blood and moved the passions of men, appears to me altogether chimerical. Could the battle of Waterloo have been avoided by an arbitration between Great Britain and Napoleon? Or would the world have been the better if that great quarrel had been so patched up? Would the American South have consented at the outset of the civil war to refer the question of the independence they claimed and expected to achieve—would the North have submitted the question whether we had a government not dissoluble by rebellion, to the arbitrament of some European potentate or political philosopher, to be argued by counsel, in the French language, at some watering place on the Continent? States can never be brought to agree beforehand, in respect to prospective controversies that have not arisen and may never arise, to bind themselves to this method of adjustment. But were such a compact ever so solemnly made, it would never be carried out in the white heat which, when the occasion comes, melts into one current all the ingredients of national emotion. There is hardly a policy of insurance that does not contain a provision that in case of dispute, it shall be submitted to arbitration. But when the loss has occurred, and a quarrel has arisen, and the parties are stirred by a sense of fancied wrong, who on either side ever pays attention to this solemn and formal agreement? Wars do not take place like murders, by malice aforethought. They are not arranged for beforehand, like matches at chess. They come when combustible materials have been allowed to accumulate, and irritated feeling to grow; when a match carelessly dropped, perhaps by an insignificant hand, at an unexpected moment, sets a flame that the high wind of public sentiment drives into a conflagration.

I have said, and I repeat it, that the policy of the United States should be that of an enlightened and Christian nation, deprecating war, and devoted to the arts, the industries, the humanities of peace, and ready to make sacrifices as well as efforts to preserve it. But the best way to accomplish that object in the different future now opening before us, still remains to be thoughtfully considered, in the light of the history and the experience that will continue to repeat themselves, from time to time, as long as the world stands.

✓ Still another topic of minor, and yet of no insignificant importance, remains to be touched upon, in dealing with the foreign relations of the United States. I refer to the position of our Ministers abroad. Of the personal qualifications necessary in those places I need not speak. They are sufficiently understood, and are not likely to be overlooked. But it is not enough to send the right man to the right place. He should be put in the position, in the country to which he is accredited, that belongs to and befits the representative of his Government. And as this is a requisite not so generally understood, I may be excused for some observations in respect to it which personal observation has suggested. It is time this branch of the subject was brought to public attention.

Of the three grades in diplomatic rank, which the usage of nations has established—Ambassadors, Ministers Plenipotentiary, and Ministers Resident,—the first is universally regarded as the proper representative from one first-class power to another. Ministers, plenipotentiary and resident, are sent between first-class and second-class powers, and by the latter between themselves. The sending and reception of an Ambassador is the mutual recognition between two governments, that both are entitled to be regarded as of the first rank. And as a nation invariably sends to another a representative of the same rank as the one who is sent in return, the accrediting of Ministers signifies a mutual understanding that

one or both of the countries is not of the first rank. While this rule is conventional, it is at the same time, with the single exception I shall mention, universally observed. That exception is found in the diplomatic intercourse of the United States with nations of the first class, to which we should send, and from which we should receive, representatives of the rank of Ambassador. To countries not ranked as of the first class, we send and receive Ministers of the same grade as are interchanged with those countries by other powers. It is only with nations of the first class that we send and receive Ministers of the second rank, the same that are sent to those countries by second-class powers. The result is, that in the smaller countries the United States government has the representative that properly belongs to it, by the custom of nations, and the established rules of international usage. But in the principal countries, it has the representative that does not belong to it, and stands in that respect on the footing of a second or third-class power. Let me inquire now, very briefly, first whether there is any good reason for this distinction, and next whether there is any importance to it.

It has been sometimes said that the title of an Ambassador indicates the representative of a monarchical or imperial power, and is therefore unsuited to that of a republic. It is true that an Ambassador formerly represented a king, because at that time there was no form of government except the monarchical that had diplomatic relations. And the same was equally true of any other diplomatic representative. In the present day an Ambassador represents the government from which he is sent, whatever the form, as any other Minister does, and his title no more indicates that his government is monarchical, than does that of a Minister Plenipotentiary. Thus, France, under a republican government, is represented in all first-class countries except our own by an Ambassador, and would send an Ambassador to us if we sent one to Paris.

In the Constitution of the United States, drawn up with critica

care at a time when the utmost jealousy of all monarchical forms and institutions existed, special provision is made for the appointment of Ambassadors, and for the rights and privileges of Ambassadors sent to this country. There certainly would not seem to be any special appearance of republican simplicity in the absurd title we employ, "Envoy Extraordinary and Minister Plenipotentiary of the United States of America," in preference to the simple phrase, "The American Ambassador;" especially as the only difference in meaning is the one I have stated.

It has been said also, that if we send and therefore receive Ambassadors, some ceremonial will be requisite in our treatment of them, not consonant with our simple habits of life. This idea is equally without foundation. An Ambassador, so far as we are concerned, would be received and treated in all respects precisely as a Minister from the same country now is, except that between him and his colleagues of lower rank in the Diplomatic Corps, he would be entitled to a precedence which he does not now obtain.

But is there to the American government any importance in observing this distinction? That it is the universal custom of the diplomatic world, which it can do no harm to observe, and which we therefore ought to observe if we choose to have relations of that sort, should be a sufficient answer to this question. It is time enough to refuse to be bound in diplomatic intercourse by the established rules that all other nations recognize, when some good reason can be stated to the contrary. Such rules are of course in a measure conventional, but so are most of the usages of human society. Without rules of that kind, resting in general concurrence, there could be no such thing as civilized life. To send a representative into the circle of international representatives is altogether a voluntary act. His reception, if he is sent, stands only upon the comity of nations, and the usages of diplomacy. He is only the guest of the country to which he goes. If we are unwilling to conform to those usages, we should not take part in the intercourse

which they regulate, nor accept the hospitality and the courtesy which are offered upon the implied condition of their observance. The government to which our Minister goes, has to regard not only his relation to itself, but his and its own relation to their other guests, the representatives of other nations equally to be considered, and should not be embarrassed in his reception by a needless refusal to stand on the same ground they occupy.

A recent writer in a leading English periodical commences an article with this inquiry: "Do the Americans know how much they lose by disregarding the established usages of diplomatic intercourse?" I would supplement that question by another: "Does any good reason exist why Americans should expose themselves to such an observation? Is there anything distinctively American, or distinctively creditable or useful, in neglecting even the lesser proprieties recognized among civilized nations in their dealings with each other."

But the observance of this distinction has reasons much more important to ourselves than to others. The rules of precedence among diplomatic representatives, dependent upon their rank, are too firmly established to be disregarded. No nation can or does disregard them, or claim that they should be disregarded in its favor. These rules accord to the Ambassador in foreign countries, where ceremonials are strictly observed, a precedence over representatives of a second grade, who presumably represent States of a lower rank, that is manifested on many occasions and in many ways, and which gives to the Ambassador great advantages over the Minister. In some capitals this precedence is a serious embarrassment to the latter in the transaction of business. And in all the great capitals, it places the representative of this country, on many public occasions, in a position of inferiority that is humiliating to every American who witnesses it. The representatives of other nations which claim to be of the first class, are accorded the place and recognition that befits their countries. The American alone is

consigned to a lower place, among the general crowd of inferior officials from the remote quarters of the world. If such treatment were the fault of the government to which he is sent, no Minister with the least regard for the respect due his country would submit to it, nor would any American be willing that his representative should remain a single day where he is exposed to it. But it is our own act that renders it impossible for these governments to accord to us the position and the respect to which we are entitled, and which with a proper rank we should promptly receive. They urge us to obviate this embarrassment to them and to us. Yet we insist upon placing ourselves in the society of nations where we should not allow any other country to place us, on the footing of second class guests, though better entitled to be of the first class than most of those who compose it.

It is true that these are only observances of courtesy and ceremony. But courtesy and ceremony constitute those external marks of respect to the government and the nation, that are of the essence of diplomatic intercourse, especially in countries where they are usual and significant, and where the omission of them becomes a disparagement. The national flag is but a piece of bunting—a conventional emblem; yet we do not allow it to be insulted or disregarded. And if it is to be carried in the procession of nations we should not permit it to bring up the rear.

It seems to be supposed by some people that the raising of a Minister to his proper rank is a matter that principally concerns him personally, and contributes only to his own elevation. There can be no greater mistake. It is only in his representative capacity that it is of the least importance. It is a question for his country, not for himself. It is not the color sergeant who carries the flag that is harmed by the disparagement of it, but the nation of which he is but the servant. Personally, the Minister must stand upon his own qualities. They cannot be improved or eked out by addi-

tional rank, though the defects of them might be thereby made more conspicuous.

Another urgent reason for placing the American representative abroad in his proper place, is that by thus enabling the principal nations to send us Ambassadors in return, we obtain from them a much superior class of men. In most other countries, entitled by their importance to send Ambassadors, there is a regular diplomatic profession. Ministers who show themselves fit for it, are promoted to the higher grade, and will not afterward serve in a lower one. The result is, that we receive from those countries either young men who have not yet earned their promotion, or old ones who have shown themselves unfit for it. The cream and ability of the diplomatic service goes to other countries than ours, or is rapidly taken away from us by promotion. One of the ablest and most acceptable Ministers from Great Britain we ever had at Washington, (Sir Edward Thornton) was promoted away from us by being sent to Turkey as Ambassador. He would gladly have remained in the United States, but could not do so without losing his promotion, and encountering the discredit of being passed over. To send the present very competent British Minister (Sir Julian Pauncefote) to our Government, it was necessary to go outside the ranks of the diplomatic profession altogether. It is needless to say how important it is to our expanding foreign relations, that we should have the best class of men sent to us from the principal countries of the world.

The American representative in the great capitals of Europe should not only have his proper rank among his diplomatic colleagues, but he should be provided with an official residence becoming to the dignity of his country. Every other nation represented there, has its Embassy or Legation for the home of its Minister, and the transaction of its affairs; a residence, the recognized property of the nation, over which the flag flies, within which are protected the privileges and immunities that the comity of nations accords, the

centre of its hospitalities, the resort of its people. Men may come and go, but the national home remains. The American Minister alone has no recognized official residence. He is here to-day and elsewhere to-morrow, lodged better or worse as his circumstances allow. This is a condition disparaging to the dignity and injurious to the interests of a great country.

Your representative should likewise be provided with a sufficient pecuniary allowance to enable him to maintain with credit the position in which he is placed, and to return suitably the hospitalities he cannot decline. It is notorious that the compensation of American Ministers at the principal capitals falls far short of their unavoidable expenditure. All other diplomatists there, are handsomely and even munificently provided for by their governments. It is a disgrace to a nation like ours, that in seeking for a man competent to represent it abroad, and to deal with its important, and often critical affairs, the first question must necessarily be, "Is he rich enough to pay his own expenses?" I do not mean to say that the diplomatic service has come to be so nearly like the Kingdom of Heaven, that no rich man is to be thought fit for it. High living and high thinking are not necessarily incompatible, though American experience has been largely the other way. But upon what principle, and above all, upon what republican principle, should all but the rich be excluded from this branch of the public service, or else the service be allowed to suffer for want of private wealth to support it? Is there any surer way to establish the plutocracy that it should be the first object of republican government to avoid, than to provide for high offices in so niggardly and parsimonious a manner, that they become of necessity the exclusive property of the rich, and are bought for a price?

Of course such posts should not become places for making money. A man should have a better motive than that in accepting them. Nor ought they to be occupied with an ostentation and display inconsistent with the habits and traditions of American life.

But it is not necessarily American to be shabby. Our country should not appear at foreign capitals *in forma pauperis*. Its representative should be able to conform to the decent requirements of the society he is thrown into. His official hospitalities should not be niggardly; they should be, and be understood to be, those of his country, and not of himself. Nor should they be splendid under one administration and parsimonious in the next.

These things, it is easy enough to say, are only details. But details are the machinery through which all forces move. The greatest motor is powerless without them. He who neglects them, achieves no results. A strong Minister, or a polished one, will in time be recognized for what he is worth, and will doubtless surmount many difficulties and embarrassments. But why should they be unnecessarily thrown in his way by the country he is trying to serve, and which needs the best service he can render? What is worth doing at all is worth doing well, and doing in the right way. What needs to be done should be done well, or had better not be done at all.

Perhaps gentlemen, I have disappointed your expectations, in the plain and homely thoughts I have set before you. Perhaps you have felt, in assembling for this annual festival around the altars of fine learning you remember so fondly, and whence your course in life set out, that the day should be consecrated to the fair humanities, and the air of the old haunts made glorious with the colour, and fragrant with the perfume of the choice flowers of literature and philosophy.

But to that high service I should not have been called. Less fortunate than some of you, my path has not lain among the flower gardens, nor in the enchanted groves of scholastic life, but through the sun-browned fields, in the heat and burden of the day. I have no garlands to offer you, but only the ripened grain—the common

harvest—"whereof the mower filleth his hand, and he that bindeth up the sheaves his bosom."

Even were I qualified to adorn this occasion, I should still have sought rather to improve it. I do not much esteem, and I venture to think you do not much esteem that culture which is expended upon the air, and nourishes only its own reproduction; which regards the ebb and flow of actual life from a safe distance, with a placid smile, and a dry eye. The name of your honourable Society recalls the traditions of Grecian literature—a literature that has survived its nation and the life of its language, and through which alone that language though dead yet speaks, and will always speak. And what is the very flower and fruit of all the teaching that has come down to us from that remote civilization, vanished, but still living in its example, whose story is thus imperishably written? Is it not, that the truest and best cultured life on earth is that which reaches out somehow, with a useful and self-forgetting touch, to those things which concern the safety, the honour, and the welfare of the country where it has its birth, and ought to find its home?

You have often heard upon days like this, adjurations to the American scholar—abstract and theoretical for the most part—touching his duty toward domestic politics. That is a subject upon which I do not enter. Perhaps you may think its field unattractive and unprofitable. Perhaps you have come to believe that it must be given over altogether to the professional politician, and be cultivated entirely by the machinery he has invented. If that be so, alas for the pity of it! Alas for the pity of it!

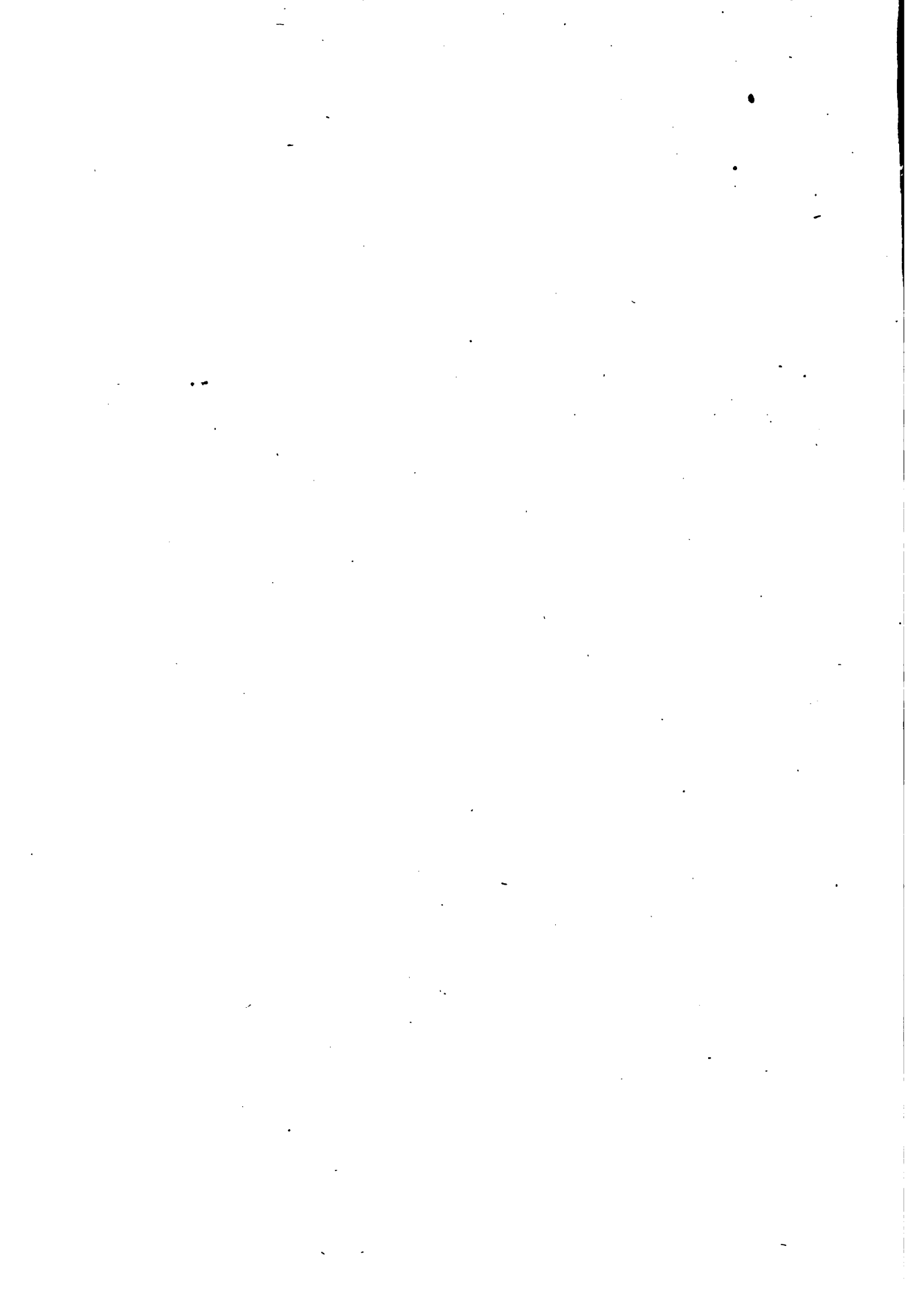
But still remains to be dealt with, and must be dealt with, for better or for worse, the attitude of our country toward the outside world; its place in the intercourse and opinion of nations. Whether they are to be such as we are to blush for, or to be proud of, whether they are to make for peace with honour, or for humiliation and perpetual strife, are questions that do not belong to party—are

not to be wrought into platforms, decided by majorities, or shouted over by stump orators.

At home, the flag hangs idly from many a staff, and serves to mark many a mean and ignoble thing. We often pass it by without regard. It is when it rises, solitary and brilliant, against some far-off foreign sky, that it touches the heart of the American wanderer with a new emotion, and a larger sense of all it stands for. It is then he "smiles to see its splendour fly." It is then he feels of how much account it is, that wherever it is seen among the nations of the earth, wherever it floats on any sea or shore, it should still remain, as Massachusetts has said before, "full high advanced, not a stripe erased, nor a single star obscured."

The views I have tried to present, address themselves with especial force to you and the class you belong to. They appeal to the thoughtful men of America; those who do not traffic or haberdash in the public welfare; who value not merely their country's material prosperity, but its fame and example everywhere; who know that it is not all of national life to live, or to grow, and that with governments as with men, there are some deaths that are better than some lives.

It is in your ranks that the country must find those in whose hands this most delicate and difficult branch of its service shall be left. Your voices, your pens, your influence, your efforts, must set forth and maintain the principles upon which it ought to be carried on. If you and such as you do not heed and care for them, they must be unheeded and uncared for, now and always.





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